

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0637R

RESOLUTION VACATING PART OF A UTILITY EASEMENT LOCATED  
ON 27TH AVENUE EAST (STEVE HAMPTON).

CITY PROPOSAL:

RESOLVED, that the Duluth City Council finds that:

(a) A sufficient petition was filed with the city clerk requesting the vacation of part of a utility easement located on 27th Avenue East adjacent to Lot 16, Block 3, Harrison's Division (FN 08052); and

(b) Pursuant to Section 100 of the City Charter and Article IV of Chapter 45 of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission, and such commission gave due notice of public hearing and did consider same in public hearing; and, the city planning commission found that the petitioned utility easement is useless, based on the findings that the proposed utility easement vacation will allow the city to maintain the sewer line in 27th Avenue East, there will be no impact to the pedestrian easement, arrangements have been made to relocate the power line, and the property owner will be able to clear his title and construct a garage; and

(c) The planning commission, at its October 14, 2008, regular meeting, did approve, unanimously, vacating the utility easement petitioned for vacation; and

(d) That the city council concurs with the planning commission's finding contained in finding (b) above.

RESOLVED FURTHER, that the city council of the city of Duluth approves the utility easement vacation of the following described easement: that part of 27th Avenue East starting at the northeast corner of Lot 16, Block 3, Harrison's Division, thence west 18.0 feet thence south 140 feet, thence east 22.4 feet, thence north 140 feet to point of beginning; as shown on Public Document No. \_\_\_\_\_.

RESOLVED FURTHER, that the city clerk is hereby directed to record, with the register of deeds and/or the registrar of titles of Saint Louis County,

Minnesota, a certified copy of this resolution together with a plat showing the portion of the street to be vacated.

Approved as to form:

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Attorney

PLNG/PC      CF:cm      10/15/2008

STATEMENT OF PURPOSE: This resolution vacates part of a utility easement on 27th Avenue East from East Second Street north to the alley. Mr. Hampton is seeking to clear up a title issue and plans to build a new garage. This requires the vacation of the utility easement. The city will retain utility easement for a sewer line within 27th Avenue East, as well as a pedestrian easement. The vacation easement is ten feet east of the sewer line thus allowing for repair work to the line if needed. This vacation was heard by the planning commission on August 12, 2008. It was tabled due to the location of a power line. Mr. Hampton and Minnesota Power have made an agreement to move the power line. At the October 14, 2008, meeting of the planning commission, they voted 11 yes, zero no, and zero abstaining to recommend the utility easement vacation. There is no companion resolution to deny as this action is not subject to a deadline.

Petition received: May 12, 2008

Action deadline: There is no action deadline for this resolution.